



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 01-179)

In the Application of:

Rowe et al.

Serial No.: 09/786,253

Filing Date: March 2, 2001

For: Control of Acidosis

) Examiner: V. Portner

) Group Art Unit: 1645

) Confirmation No.: 2281

Mail Stop Issue Fee  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

APPLICANT'S COMMENT ON PATENT TERM ADJUSTMENT CALCULATION AND FILING OF TERMINAL  
DISCLAIMER

Dear Sir:

Applicants wish to make the following of record in the above identified patent application:

- 1) Applicants are in agreement with the calculation of the Office, noted in the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) mailed August 17, 2005, that the Patent Term Adjustment to date is 221 days.
- 2) Applicants note that a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent has been filed in this application, which may alter the applicability of the Patent Term Adjustment.

Respectfully submitted,

Michael S. Greenfield

Registration No. 37,142

**McDonnell Boehnen Hulbert & Berghoff**

300 South Wacker Drive, 32<sup>nd</sup> Floor  
Chicago, IL 60606

Date: November 9, 2005

Telephone: 312-913-0001  
Facsimile: 312-913-0002